

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOSEPH SETH HOUCHINS ELSWICK,)

Plaintiff,)

v.)

MAJOR J. R. STANLEY, ET AL.,)

Defendants.)

Case No. 7:19CV00815

OPINION

By: James P. Jones
United States District Judge

Joseph Seth Houchins Elswick, Pro Se Plaintiff.

The plaintiff, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 in December of 2019, alleging that jail officials had violated his privacy rights. Elswick notified the court on January 13, 2020, that he had been released from jail. Therefore, Elswick is no longer subject to the provisions of the Prisoner Litigation Reform Act that allowed him to pay the \$350 filing fee via installments withheld from his inmate trust account, as he had previously consented to do. A court order entered on January 14, 2020, directed Elswick to submit, within ten days from that date, the filing fee owed and the applicable administrative fee, a total of \$400, or to otherwise respond to the court. Elswick was advised that a failure to comply within the time limits set out in the order would result in dismissal of this action without prejudice.

The time allotted for Elswick to pay the filing costs or to otherwise respond has passed, and he has failed to do so. Accordingly, I will dismiss the action without prejudice.

A separate Final Order will be entered herewith.

DATED: February 3, 2020

/s/ JAMES P. JONES
United States District Judge